

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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In the Matter of)
)
 Amendment of Section 76.51)
 of the Commission's Rules to)
 Include Goldsboro, North)
 Carolina in the Raleigh-Durham,)
 North Carolina, Television Market)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM Docket No. 93-212

To: Chief, Mass Media Bureau

COMMENTS OF GROUP H BROADCASTING CORPORATION

Group H Broadcasting Corporation ("Group H"), licensee of television broadcast station WYED, Channel 17, Goldsboro, North Carolina hereby comments on the above-captioned Notice of Proposed Rule Making ("NPRM"), released on July 15, 1993. Group H filed the Petition for Rule Making that initiated this proceeding, and continues to support strongly the proposal to amend Section 76.51 of the FCC's Rules to redesignate the "Raleigh-Durham, North Carolina" television market as "Raleigh-Durham-Goldsboro, North Carolina." See 47 C.F.R. § 76.51(b) (1992).

It is indisputable that the stations in Raleigh, Durham and Goldsboro serve substantially the same areas due to the proximity of their transmitter locations. As noted in the NPRM, WYED has shown that its signal covers substantially all of the communities served by the Raleigh-Durham stations (WTVD, WRAL-TV,

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WLFL-TV and WRDC-TV). This geographic proximity is of considerable importance, given the fact that the Commission has long recognized television as "an area-wide rather than a localized service." St. Louis Telecast, Inc., 22 F.C.C. 625, 713 (1957). This regional character is dictated by the basic economics of television station operation, which "involve considerably greater capital investments [than radio stations], and require larger audiences to attract more advertising revenues." Cleveland Television Corp., 91 F.C.C. 2d 1129, 1137 (Rev. Bd. 1982), rev. denied, FCC 83-235, aff'd 732 F.2d 962 (D.C. Cir. 1984). Thus, television stations licensed to smaller cities, such as Goldsboro, while directly serving that local community, must also attract audiences and advertisers from surrounding areas to achieve economic viability.

Because of this reality, the market definitions contained in the Commission's rules should fully reflect the extent to which stations licensed to different communities compete for the same audience. Indeed, Congress expressly required the Commission to revise the market definitions in Section 76.51 as part of the implementation of the Cable Television Consumer Protection and Competition Act of 1992. See Pub. L. No. 102-385 (to be codified at 47 U.S.C. § 534(f)).

The change proposed by the NPRM is fully consistent with the congressional mandate. Group H has met the requisite criteria for redesignation of the Raleigh-Durham market to include Goldsboro. Station WYED serves substantially the same geographic areas as the stations in Raleigh and Durham. Because its transmitter is within 7 miles of the transmitters of three of the four stations licensed to Raleigh or Durham, it provides a Grade B signal over much of the same area as these stations. Furthermore, Arbitron includes Goldsboro in the Raleigh-Durham "area of dominant influence" (ADI), and cable systems, newspaper television listings, viewers and advertisers all treat the communities as comprising one market.

Inclusion in the Raleigh-Durham television market is also essential to the continued viability of WYED. At present, WYED is substantially disadvantaged in the Raleigh-Durham market due to the inequitable application of the copyright compulsory license rules. WYED's disadvantage is exacerbated by the fact that program syndicators charge WYED Raleigh-Durham market rates for programming. The grant of the requested amendment will correct this anomaly and is consistent with the goal of assuring the survival and growth of "overshadowed" stations like WYED. Finally, the change will benefit the public by ensuring that viewers within station WYED's natural market -- i.e., the area

encompassed by its Grade B signal contour, throughout which it competes with the Raleigh and Durham stations -- will have access to its programming, which is unique within the Raleigh-Durham market.

For the foregoing reasons, Group H respectfully urges the Commission to adopt expeditiously a Report and Order amending Section 76.51 of its rules, redesignating the Raleigh-Durham market as Raleigh-Durham-Goldsboro.

I hereby verify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

GROUP H BROADCASTING CORPORATION

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